

**CONSERVATION COMMISSION
AGENDA
DECEMBER 19, 2012
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

- 7:00 Abbreviated Notice of Resource Area Delineation - 27 Jackson Dive - 85-1105 - (010)
Lexington Holdings, LLC, Mark Schulman
Stamski & McNary (town atlas plate E-3, parcel 25).
- 7:15 ** Notice of Intent - 400 Central Street - Allan & Kathleen Mason - 85-1106 - (020)
Ross Associates - proposed replacement of an existing failing cesspool with a new sewage disposal system within 100' of a bordering vegetated wetland (town atlas plate E-2, parcel 1).
- 7:30 ** Request for Determination - 30 Main Street - Village Saab - Leo Bertolami (030)
Acton Survey - proposed replacement of an existing soil absorption system within an existing parking lot within 100' of a vegetated wetland (town atlas plate I-2, parcel 21).
- 7:45 ** Notice of Intent - 189 Main Street - Brenda Katz (040-041)[042]
APPLICANT HAS REQUESTED A CONTINUANCE UNTIL 1/16/13, TIME TO BE DETERMINED @ TONIGHT'S MEETING
Acton Survey - proposed razing of an existing single family residence and barn for site redevelopment for a childcare facility within 100' of a vegetated wetland (town atlas plate G-2A, parcel 9).
- ** Special note for decisions/determination for waiver of standard bylaw setbacks? **
- 8:00 Continuation of Notice of Intent - 195 Newtown Road

Certificates of Compliance

(060) - Parmley Drive (123 High Street) Lots 2, 3, 4 - 85-444
(070) - 2 Seneca Court - 85-1065

Review – Residences at Quail Ridge Country Club - Conservation Restriction (080)

MINUTES

October 17	Comments rec'd by	AG, FP, am ¹	} signature
November 7	" " "	AM, AG, FP	
December 5	" " "	FP	

¹ comments received on first draft before Hybrid notes were added

**CONSERVATION COMMISSION
MINUTES
DECEMBER 19, 2012
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, Andy Magee, Amy Green, Jim Colman, Bill Froberg

CONSERVATION ADMINISTRATOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Stephen Michael, Stephen Sears, Scott Hayes, Scott Goddard, Rich Harrington, Carl Nordstrom

7:00 Abbreviated Notice of Resource Area Delineation - 27 Jackson Dive - 85-1105 - (010)
Lexington Holdings, LLC, Mark Schulman

Rich Harrington from Stamski & McNary presented plans showing the wetland delineation; Flags 1 through 22 is shown on the plan; 737 linear feet of wetlands is located on the property, borders on intermittent stream.

A site walk was conducted on December 14 with Ms. Green, Mr. Arnold and Mr. Colman.

Ms. Green noted that she agrees with most of the delineation; however, there seems to be some hydrology between Flags 18 - 21 indicating presence of up-gradient wetlands.

Mr. Harrington reported that he received an email with pictures showing the soils of the location in question by Dave Crossman.

Ms. Green stated that it is good that Mr. Crossman revisited to review this area and she would defer to the soil samples taken.

Upon query by Carl Nordstrom of 12 Madison Lane, Mr. Maitland and Mr. Magee explained the significance of delineating the resource area prior to filing a Notice of Intent with the Commission for a potential future project.

Mr. Colman noted that abutters to the project will be notified again, as they were with this filing process if the project falls within the jurisdictional area of the 100' wetland buffer zone.

Hearing no further comments, Mr. Maitland closed the hearing.

Order of Resource Area Delineation - 27 Jackson Drive - 85-1105

Ms. Green moved that the Commission find the delineation as shown on the plans as "accurate", Mr. Froberg 2nd; unanimous.

Notice of Intent - 400 Central Street - Allan & Kathleen Mason - 85-1106 - (020)

Steve Sears from Ross Associates presented plans for the proposed replacement of an existing failing cesspool with a new sewage disposal system within 100' of a bordering vegetated wetland. The existing cesspool is located behind the house; the site has high groundwater (30" below grade) requiring significant fill to replace with a new septic system. The replacement system can only be located behind the house, leaching field will be 56' from the edge of wetlands at the closest point. There will be no increase of flow from the existing three bedroom house that is to remain. The design has been approved by the Board of Health.

Upon query by Mr. Magee, Mr. Sears reported that the Board of Health did not require greater treatment as long as a two-chambered tank with a Zabel effluent filter was provided, which can be removed and cleaned.

Upon query by Mr. Froberg, Mr. Sears reported that closest point of activity to wetlands is 15', at the stone wall located at the rear of the property.

Upon query by Mr. Magee, Mr. Sears reported that the surveyor found the floodplain evaluation to be coterminous to the edge of wetlands.

Mr. Froberg stated that he would prefer that some type of silt prevention be provided on the project side of the stone wall such as permeable geo-fabric. Mr. Sears stated that he could provide filter-fabric on the project side of the stone wall along with the proposed silt prevention shown on the plan.

Upon query by Mr. Colman, Mr. Sears reported that the existing stone wall will be added to and become a retaining wall.

Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 400 Central Street - 85-1106

Mr. Magee moved that the Commission issue an Order of Conditions for the plans as presented with the special condition that geo-fabric be placed on the up gradient side of the existing stone wall where the wall will be increased structurally at the base of the breakout area; Mr. Colman 2nd, unanimous.

Request for Determination - 30 Main Street - Village Saab - Leo Bertolami (030)

Mark Donohoe from Acton Survey presented plans for the proposed replacement of an existing soil absorption system within an existing parking lot within 100' of a vegetated wetland. Mr. Donohoe reported that there are unsuitable soils adjacent to the existing building as peat was found eight feet below grade; suitable natural soils were found under the existing parking lot. All excavated materials will be removed from the site; all work is above groundwater, dewatering activities are not proposed. The new system will be constructed 51-inches above groundwater, 53-feet from the edge of wetlands at the closest point and will be mounded approximately two-feet above existing grade. The system design has been approved with a variance by the Board of Health. Construction of the new system will be in the upcoming spring. The new system will consist of a series of 12 (3'x4'x8') chambers with geo-fabric placed above. There are less than 15 employees on site.

Hearing no questions, Mr. Maitland closed the meeting.

Determination of Applicability - 30 Main Street

Mr. Magee moved that the Commission find the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent; Ms. Green 2nd, unanimous.

Notice of Intent - 189 Main Street - Brenda Katz (040-041)

Mr. Maitland reported upon the request of the applicant this hearing will be continued until January 16, 2013 at 7:15 PM.

8:05 Continuation of Notice of Intent - 195 Newtown Road

Scott Hayes from Foresite Engineering updated the Commission regarding the progress of the plans for the project. There is an opinion from the Town Planner, Roland Bartl, pertaining to zoning; in summary Mr. Bartl has stated that the applicant will need to demonstrate that the ability to access the buildable area of the property from the legal frontage is possible even if it was not intended to be used. To demonstrate the means of access to the property will need an Order of Conditions to prove there is access from the legal frontage. Mr. Hayes presented alternative house locations: (1)

a house located in front close to Newtown Road would require crossing wetlands for the septic system, (2) house location as proposed, (3) house located beyond the second wetland, again proving access from the legal frontage in Acton would impact two wetlands and the house would be constructed on a steep slope, which is less desirable. Mr. Hayes reported that wetland scientist, Mr. Goddard has been retained to review the potential vernal pool and wetland issues.

Mr. Magee asked if access to a buildable portion of the property could be attained through Littleton or if a letter could be attained from the Littleton Zoning Officer. Mr. Hayes reported that the property does not have frontage in Littleton.

Mr. Magee noted that there appear to be other existing houses off of the common drive (Sarah Indian Way) in Littleton.

Mr. Colman suggested that further exploration of the available area of the property located in Littleton and prove that a house cannot be built in Littleton.

Mr. Hayes stated that the owner wants to build the house in Acton.

Mr. Magee asked whether a waiver could be obtained from the Zoning Board of Appeals for access to the Acton portion by way of Sarah Indian Way, and questioned why the Conservation Commission should grant a waiver allowing a wetland to be filled prior to the applicant requesting a waiver from the ZBA for use of an existing accessway.

Mr. Hayes stated that the first step will be to get an opinion from the Littleton Zoning Officer.

Upon agreement with Mr. Hayes, Mr. Maitland continued the hearing until January 16 at 7:30 PM.

Certificate of Compliance - Parmley Drive (123 High Street) Lots 2, 3, 4 - 85-444 (060)

Mr. Magee moved that the Commission issue a Certificate as recommended by Mr. Tidman; Mr. Colman 2nd, unanimous.

Certificate of Compliance - 2 Seneca Court - 85-1065 (070)

Mr. Magee moved that the Commission issue a Certificate as recommended by Mr. Tidman; Mr. Colman 2nd, unanimous.

Review - Residences at Quail Ridge Country Club - Conservation Restriction (080)

The Commission discussed conservation restriction (CR) with Mr. Tidman. Questions were raised regarding acreage to the restricted area and what happens to the land if the golf course does not succeed.

Commission members expressed interest in seeing the actual language of the CR.

Mr. Tidman stated that he will ask Town Counsel and/or Roland Bartl, the Town Planner, to meet with the Commission to discuss the CR in greater detail.

MINUTES

Mr. Magee moved that the Commission approve the minutes for October 17 & November 7, 2012; Mr. Froberg 2nd, unanimous.






























9:10 Meeting adjourned.



Terry Maitland,
Chair

TT:ahr
ahr.concom.minutes.12-19-2012
ahr rec'd 12/27

Refresh 

Type	Title	Owner	Edited	Size	Actions
	0001 - December 19 Amended Agenda	naturalres	12/19/12	24 KB	  
	010 - Abbreviated Notice of Resource Area Delineation - 27 Jackson Drive	naturalres	12/12/12	4 MB	  
	020 - Notice of Intent - 400 Central Street	naturalres	12/11/12	3 MB	  
	030 - Request for Determination - 30 Main Street	naturalres	12/11/12	1 MB	  
	040 - Notice of Intent - 189 Main Street	naturalres	12/11/12	4 MB	  
	041 - 189 Main Street - Sheets 1 & 2 - REVISED PLANS 12-17-12	naturalres	12/18/12	613 KB	  
	042 - Request for Continuance - 189 Main Street	naturalres	12/19/12	15 KB	  
	060 - Request for Certificate of Compliance - Parmley Drive - 85-444	naturalres	12/11/12	94 KB	  
	070 - Request for Certificate of Compliance - 2 Seneca Court - 85-1065	naturalres	12/19/12	95 KB	  
	080 - Residences at Quail Ridge - Municipal Certification - Conservation Restriction	naturalres	12/18/12	877 KB	 